

Notice of Allowability

Application No.

09/751,792

Applicant(s)

WENDORF ET AL.

Examiner

Art Unit

Nittaya Juntima

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to RCE filed on 10/21/2005.
2. The allowed claim(s) is/are
1,2,4,6,7,9,10,11,8,12,13,17,19,20,22,24,25,27,28,29,26,30,31,35,37,38,40,42,43,45,46,47,44,48,49,53,55,56,58,60,61,63,64,65,62,66,67,71; renumbered as 1-48, respectively.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/21/05
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 20060615.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Lester J. Vincent on June 9, 2006.

The application has been amended as follows:

In the claim:

In claim 1, line 7, "connections" has been changed to --connection--.

In claim 19, line 1, "containing" has been changed to --having stored thereon--.

In claim 19, line 8, "connections" has been changed to --connection--.

In claim 37, line 7, "connections" has been changed to --connection--.

In claim 55, line 8, "connections" has been changed to --connection--.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nittaya Juntima
June 9, 2006

NS



HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

03/02/2008 14:38 FAX 408 720 0347

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Attorney-Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

150 651536

EXAMINER

Floria Come
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

VIRGINT, DAVID RUBERT

ART UNIT

PAPER NUMBER

103

DATE MAILED: 03/02/2008

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/61,512	12/12/2006	Kat Wazef	10461536	5112

TITLE OF INVENTION: SYSTEM AND METHOD FOR ALLOCATING BANDWIDTH IN A NETWORK NODE

APPLICATION	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
provisional	NO	\$1458	\$0	\$1458	03/02/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1301.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 131. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-65B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 3b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 3a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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PTO-AS (Rev. 07-06) Approved for use 04-02-2003.

FAX 408 720 0347 | E-mail: 10461536@uspto.gov | Internet: www.uspto.gov | Mail: 1450 K Street, NW, Washington, DC 20591-1450

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885

DIRECTIONS: This form should be used for remitting the ISSUE FEE and PUBLICATION FEE (if required). Block 1 through 5 should be completed where appropriate. All further correspondence including the return address section and instructions of remittance fee will be mailed to the general correspondence address indicated below or dictated otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for remittance of fees.

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Note: A certificate of mailing can only be used for domestic mailings of the Form 3 Transaction. This certificate cannot be used for any other accompanying papers. Each additional page, such as an unopened or typed drawing, etc., will require its own certificate of mailing of TRANSACTIONS.

1998 07/12/98

Florin Corie
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

Certificate of Mailing or Transmission
I certify that this Fee is transmitted by U.S. Mail deposited with the United States Post Office at San Francisco, California, on July 1, 1987, and will be delivered to the Mail Stop ISSUE FEE address above. It bears Postage Paid.

Deposition
Report
Index

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO.
60/751,292	10/19/2003	Red Wonder	8112.P214	5312

TITLE OF INVENTION: SYSTEM AND METHOD FOR ALLOCATING BANDWIDTH IN A NETWORK NODE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEES(\$) ^(a)	DATES DUE
nonprovisional	NO	\$1400	\$0	\$1400	10/21/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
VINCENT DAVID ROBERT	162A	370-314000

Change of correspondence address or reference of "Fee Address" (7 CFR 1.131)

Change of correspondence address for Change of Correspondence Address form PTO/SB/12-2A attached.

"Fee Address" indication (or "Fee Address" indication form PTO/SB/12-2) or name already marked. Use of a Customer Number is required.

For printing on the patent front page list

(1) the names of up to 3 registered patent attorneys or agents OR, alternately,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 3 registered patent attorneys or agents. If it is necessary to add, no more will be printed

ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATIENT CARD

PLEASE NOTE: Refers to antibiotic(s) identified below as a stronger drug will appear on the patient. If no antibiotic is identified below, the prescription has been filled for penicillinase as set forth in 37 CFR 1.1. Completeness of this form is NOT a substitute for filing an application.

(A) NAME OF ASSIGNEE

(B) RESIDENCE (CITY AND STATE OR COUNTRY)

Please check the appropriate customer category or categories (will not be printed on the form): Individual Corporation or other business entity Government

4a. The following fee(s) are enclosed:	4. Payment of fee(s):
<input type="checkbox"/> Late Fee	<input type="checkbox"/> A check in the amount of 2x the fee(s) is enclosed.
<input type="checkbox"/> Publication Fee (No mail entry deposit permitted)	<input type="checkbox"/> Payment by credit card Form PTO-238 is enclosed.
<input type="checkbox"/> Advance Filing - \$ of Copies _____	<input type="checkbox"/> The Director is hereby authorized to charge its required fee(s) or credits any unexpended Deposit Account Number _____ (check to enter copy of this form)

A small entity (SME) ENTITY status. See 17 CFR 1.21. An entity is no longer eligible SMALL ENTITY status. See 17 CFR 1.27(e)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (\$1.00) or to re-apply any previously paid issue fee to the application identified above.
NOTE: The Issue Fee and Publication Fee (\$1.00) will not be accepted from anyone other than the applicant, a registered attorney or agent or the assignee or other party as indicated by the records of the United States Patent and Trademark Office.

Applicant's Signature: _____ **Date:** _____

Type or print here _____ Registration No. _____
This affidavit of inventorship is required by 37 CFR 1.511. The information is required to obtain or retain a benefit by the public which it is to be made by the USPTO in general as explained. (Affirmative) is granted by 35 U.S.C. 127 and 37 CFR 1.4. This affidavit is intended to take 12 months to complete, including patent, preparing and examining the required applications before the USPTO. Time will vary depending upon the individual facts. Any comments on the status of this request to complete this form and/or requests for extension of time, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Correspondence for Patent, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

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0007

Notice of Allowability	Application No.	Applicant(s)
	09/751,792	WENDORF ET AL.
	Examiner	Art Unit
	David R. Vincent	3228

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-65) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. The application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 4/29/05.
2. The allowed claim(s) is/are 1,2,4-6,13-17,19,20,22,24-31,35,37,38,40-42,49,51,55,56,58,60-67 and 71.
3. The drawings filed on 29 December 2000 are accepted by the Examiner.

4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (j).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.14(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____. | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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Application/Control Number: 09/751,792

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Henry on 5/26/05.

IN THE CLAIMS:

Claim 58, line 1, after "claim", "54" has been changed to "55".

REASONS FOR ALLOWANCE

2. The following is an Examiner's statement of reasons for allowance: Claims 1-2,4,6-13,17,19-20,22,24-31,35,37-38,40,42-49,53,55-56,58,60-67,71 are considered allowable since when reading the claims in light of the specification, as per MPEP § 2111.01 or In re Sneed, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983), none of the references of record alone or in combination disclose or suggest the combination of limitations specified in the independent claims.

The Examiner was persuaded by the arguments filed.

Reasons for allowance . If the examiner believes that the record of the prosecution as a whole does not make clear his or her

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reasons for allowing a claim or claims, the examiner may set forth such reasoning. The reasons shall be incorporated into an Office action rejecting other claims of the application or patent under reexamination or be the subject of a separate communication to the applicant or patent owner. The applicant or patent owner may file a statement commenting on the reasons for allowance within such time as may be specified by the examiner. Failure by the examiner to respond to any statement commenting on reasons for allowance does not give rise to any implication.

37 CFR 1.104(e)

In most cases, the examiner's actions and the applicant's replies make evident the reasons for allowance, satisfying the "record as a whole" proviso of the rule. This is particularly true when applicant fully complies with 37 CFR 1.111 (b) and (c) and 37 CFR 1.133(b). Thus, where the examiner's actions clearly point out the reasons for rejection and the applicant's reply explicitly presents reasons why claims are patentable over the reference, the reasons for allowance are in all probability evident from the record and no statement should be necessary. Conversely, where the record is not explicit as to reasons, but allowance is in order, then a logical extension of 37 CFR 1.111 and 1.133 would dictate that the examiner should make reasons of record and such reasons should be specific.

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Application/Control Number: 09/751,792

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Art Unit: 3628

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R Vincent whose telephone number is 703 305 4957. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571 272 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAVID VINCENT
PRIMARY EXAMINER *David Vincent*

03/02/2008 14:38 FAX 408 720 0347

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2011

Interview Summary	Application No.	Applicant(s)
	09/751,792	WENDORF ET AL
	Examiner	Art Unit
	David R. Vincent	3628

All participants (applicant, applicant's representative, PTO personnel):

(1) David R. Vincent (3)

(2) James Henry. (4)

Date of Interview: 28 May 2005

Type: a) Telephonic b) Video Conference
c) Personal (copy given to: 1) applicant 2) applicant's representative

Exhibit shown or demonstration conducted: Yes No

If Yes, brief description:

Claim(s) discussed: 53.

Identification of prior art discussed:

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview Including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner's amendment will be entered (see attached)

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an attachment to a signed Office action.

Examiner's signature if required

03/02/2008 14:38 FAX 406 720 0317

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Summary of Record of Interview Requirements

- Manual of Patent Examining Procedure (MPEP), Section 713.24, Substantiation of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner is reached at the interview.

Title 37 Code of Federal Regulations (CFR) 1.1-1.13 Introduc-

• Regulators Pancreatic

In every instance where reconsideration is requested in view of an interview with another, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not excuse the necessity for filing a Draft action as specified in §§ 1.111, 1.125, 25 U.S.C. 120.

37 CFR §1.2 Business to be Impaired by filing

All business with the Patent or Trademark Office should be transacted in writing. The personal standards of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is discrepancy or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recitation is otherwise provided for in Section 1.12(f) of the Manual of Patent Examining Procedure, or pointing out typographical errors or unnecessary repeat in Office actions or the like, are excluded from the interview recitation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given at appropriate Paper No., placed in the right hand portion of the Bar, and listed on the "Contents" section of the Bar wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
 - Name of applicant
 - Name of examiner
 - Date of interview
 - Type of interview (telephonic, video-conference, or personal)
 - Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
 - An indication whether or not an exhibit was shown or a demonstration conducted
 - An identification of the specific prior art discussed
 - An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to scope/utility is tentative and does not restrict further action by the examiner to the contrary.
 - The signature of the examiner who conducted the interview (If Form is not an attachment to a signed Office Action).

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recording of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recitation of the substance of any interview should include at least the following articulable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
 - 2) an identification of the claims discussed,
 - 3) an identification of the specific prior art discussed,
 - 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
 - 5) a brief identification of the general thrust of the principal arguments presented to the examiner.
(The identification of arguments need not be lengthy or elaborate. A verbal or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were of might be persuasive to the examiner.)
 - 6) a general indication of any other pertinent matters discussed, and
 - 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the Examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Preamble to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement distributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the cover portion of the substance of the interview along with the date and the examiner's initials.